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Attorney's Docket: 2003DE409

Serial No.: 10/783,407

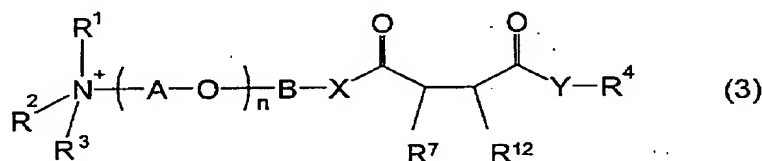
Art Unit 1712

Response to Office Action mailed 10/17/2006

Remarks

The Office Action mailed October 17, 2006 has been carefully considered together with each of the references cited therein. The amendments and remarks presented herein are believed to be fully responsive to the Office Action. Reconsideration of the present Application in view of the following remarks is respectfully requested.

Applicant has amended the claims to attend to housekeeping matters and to more clearly recite what Applicant believes to be the invention. In claim 1, Applicant has amended the recitation of R^4 to recite that R^4 is a radical of formula (2) and to recite that D is an organic radical optionally containing hetero atoms and has from 1 to 600 carbon atoms, wherein the organic radical is selected from the group consisting of a straight-chain or branched C_{2-} to C_{50-} alkylene group or a straight-chain or branched C_{2-} to C_{50-} alkenylene group which is derived from a saturated or unsaturated dicarboxylic acid, a C_{6-} to C_{50-} aryl radical or a C_{6-} to C_{50-} arylalkyl radical which is derived from a benzenedicarboxylic acid, and a radical of formula(3)



where R^7 and R^{12} are each either hydrogen wherein bonding of D occurs through any valence within R^7 or R^{12} , or a C_{2-} to C_{100-} alkyl or C_{2-} to C_{100-} alkenyl radical. Support for the amendments to claim 1 may be found in originally filed claims 1 and in Applicant's Specification at paragraphs [00049] to [00053]. Claim 11 was amended to recite that R^4 is a radical of formula (2) and that the bonding of D occurs through any valence within R^7 or R^{12} . Support for the amendment to claim 11 may be found in originally filed claim 8 and in Applicant's Specification at paragraph [00053]. It is believed that no new matter has been introduced by these amendments.

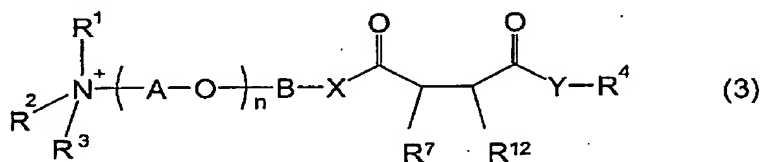
Claims 1-7 and 9-11 were rejected under 35 U.S.C. §112, first paragraph, because the specification, while being enabling for specific radicals of D and R^4 disclosed in the specification, does not reasonably provide enablement for the innumerable possible radicals encompassed by D and R^4 . The rejection of claims 1-

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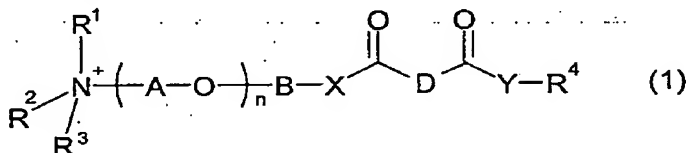
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7 and 9-11 should be withdrawn in view of the above amendments, wherein claims 1 and 11 now recite the D and R⁴ parameters as disclosed in the specification.

Claim 11 was rejected under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The rejection of claim 11, as amended under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention should be withdrawn in view of the above amendment which now clearly recites that formula (3)



is a radical which is bonded to the compound of formula (1)

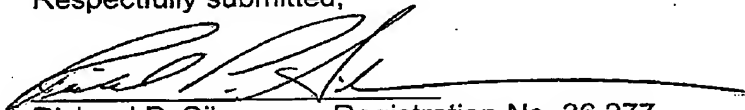


wherein the bonding of D occurs through any valence within R⁷ or R¹²

It is respectfully submitted that, in view of the above remarks, the rejections under §112 should be withdrawn and that this application is in a condition for an allowance of all pending claims. Accordingly, favorable reconsideration and an allowance of all pending claims are courteously solicited.

An early and favorable action is courteously solicited.

Respectfully submitted,



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